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7 NOV 1975

MEMORANDUM FOR: Director of Central Intelligence

SUBJECT : Timing of New Legislation on Intelligence

1. Problem

To enhance the likelihood of early adoption of legislation arising from recommendations of the Senate and House Select Committee, or proposals from other Committees, which relates to the future organization and conduct of U.S. foreign intelligence activities.

2. Position of the Congressional Committees

a. Both the Senate and House Select Committees are expected to propose legislation as a result of their extensive investigation of U.S. intelligence activities, but the thrust of such recommendations is not yet apparent. A dozen resolutions now pending before the Congress focus on the question of establishing a joint committee for intelligence oversight, or separate committees in each House.

b. Over the past several years, 200 or so bills have been floated in the Congress concerning the Intelligence Community and the CIA in particular. None has been given serious attention by the Congress until now. The climate has changed, but even so, considerable uncertainty exists in the Congress as to what is needed and how to go about it.

c. Among the subjects of possible legislation are: Curbs on domestic activities of U.S. foreign intelligence agencies; covert action; excessive secrecy; protection of vital secrets; role of economic intelligence in the national security intelligence structure; relationship between military intelligence organizations and the CIA; legislative and oversight jurisdiction within the Congress; and oversight, itself.

"I THINK WE WOULD  
DO BETTER TO  
DEVELOP OUR  
LEGISLATIVE LIST  
OF OUR REACTIONS  
TO ANTICIPATED  
INITIATIVES BY  
OTHERS." BY  
-DCI

3. Discussion

a. Now that most of the issues related to the Executive Orders on restrictions on intelligence in the United States and on a reorganized PFIAB have been settled, the Executive and Legislative Branches must face more fundamental issues of change in the organization and management of the Intelligence Community and the CIA. Change is under discussion in both Branches. The intelligence provisions of the National Security Act of 1947 are certain to be reconsidered and probably will be rewritten. The CIA Act of 1949 also may undergo revision. Before this can be accomplished, however, Congress, the Administration and the Community itself will have to engage in lengthy and intensive debate on many complex matters.

b. Confident prediction cannot be made as to whether the House and Senate will be considering new legislation.

c. Whether the time is mid-1976 or early 1977, however, it is important to begin moving now to speed the process of bringing the investigations to a close and getting legislation drafted. Rudderless drift for as much as two years, during which CIA and the rest of the Intelligence Community will have no guidance as to the future shape or purpose of American intelligence, can only be damaging. The present fraying away of the morale and cohesion of CIA is one of the dangerous symptoms.

d. Moreover, important events are on the horizon that will require decision on things which may appear to be matters of detail but are in fact rooted in principle--and such decisions will depend on the future structure of the Community. [REDACTED] These decisions must fit into a larger blueprint for the Community if they are to make sense and to be something the Community can live with for years to come. No such blueprint can be prepared until the Legislative-Executive dialogue is over and there is clear understanding of the relative roles of the senior U.S. intelligence officer, the central intelligence organization, and the Department of Defense. Moreover, should the President wish to appoint a new senior U.S. intelligence officer, it is difficult to imagine a qualified candidate who would take the job until he knows how it is to be defined.

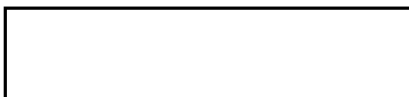
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e. The chances of providing a strong, independent and objective national intelligence capability--the intent of Congress in 1947 (and there is no current reason to believe that intent has changed)--will measurably decline the longer that action on new legislation is delayed. What is needed is positive action to shortcut the process. There is no reason why informed debate cannot begin while the investigations are still in progress. If an active effort is launched now, it should be possible to arrive at an agreed package of changes early in 1976, and to enact these into statute before the political campaign. A long and destructive uncertainty for our national intelligence system might thus be avoided.

4. Recommendation

It is recommended that the DCI suggest to the President that he:

- a. Call in the Congressional leadership, including the CIA oversight subcommittees and the Select Committees; X
- b. Point out to them the destructive effects of delay, and urge that proposals for the future be decoupled from investigation and correction of past abuses; X
- c. Request that they, in cooperation with the Executive, begin work now to develop whatever legislative proposals in the organizational field seem appropriate; and X
- d. Set a target date of, perhaps, 1 February, for submission of agreed legislation to the Congress. X

  
Samuel V. Wilson  
Lieutenant General, USA  
Chairman, Action Plan Task Group

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